

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:15-cr-41-MOC-WCM-1**

UNITED STATES OF AMERICA,)
)
)
vs.)
)
GILBERTO RODRIGUEZ,)
)
)
Defendant.)
)

ORDER

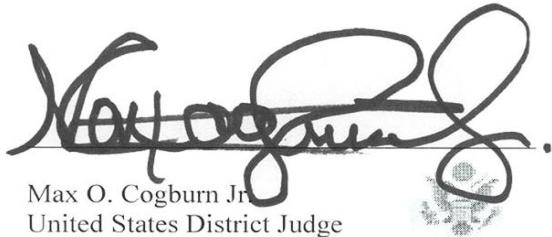
THIS MATTER comes before the Court on Defendant's pro se Motion for Compassionate Release/Reduction of Sentence. (Doc. No. 81). Defendant, a 53-year-old white male currently incarcerated at FCI Elkton in Lisbon, Ohio, seeks a reduction of his sentence based on the COVID-19 pandemic. Defendant seeks release based on various medical conditions that he contends make him more susceptible to contracting COVID-19.

Title 18, Section 3582(c)(1)(A)(i) authorizes criminal defendants to request compassionate release from imprisonment based on "extraordinary and compelling reasons." Defendant has not established extraordinary and compelling reasons to warrant a sentence reduction at this time. Although he asserts that he suffers from various ailments, including high blood pressure/hypertension, high cholesterol, heart conditions requiring medication, and obesity. Defendant has not submitted any medical evidence to the Court showing that he has an increased health risk from COVID-19. As the Third Circuit has recognized, "the mere existence of COVID-19 in society and the possibility that it may spread to a particular prison alone cannot independently justify compassionate release." United States v. Raia, No. 20-1033, 2020 WL 1647922, at *2 (3d Cir. Apr. 2, 2020). Furthermore, the BOP has denied Defendant's request, finding that he did not meet the criteria for compassionate release.

ORDER

IT IS, THEREFORE, ORDERED that Defendant's pro se Motion for Compassionate Release/Reduction of Sentence, (Doc. No. 81), is **DENIED**.

Signed: August 12, 2020

A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.", is written over a horizontal line. To the right of the signature is a small, faint circular official seal.

Max O. Cogburn Jr.
United States District Judge